

REMARKS

Claims 1-6 and 9-31 are pending in this application. By this Amendment, Applicants amend claims 1 and 27. No new matter is added. Reconsideration of the application is respectfully requested.

The Office Action rejects claims 1-6, 9-26, and 31 under 35 U.S.C. § 102(b) over U.S. Patent 5,394,902 to Shibao. Applicants respectfully traverse the rejection.

Shibao does not disclose "an exterior shell formed by at least two tank portions assembled together, and made of molded plastics material, one of said tank portions comprising a compartment, the compartment being one-piece with the one of said tank portions," as recited in claim 1. The Office Action correctly points out that compartment 1 disclosed in Shibao is fastened to the tank bottom. Thus, the compartment 1 is not "one-piece" with the tank bottom, as recited in claim 1.

Furthermore, Shibao does not disclose "a fuel pump located entirely within the shell and fixed into the compartment," as recited in claim 1. As shown in Fig 1, and disclosed on col. 4, lines 13-17 of Shibao, the lid member 5 is provided with an opening 12 and an adjacent curved portion 13 for allowing part of the fuel pump to be exposed above the lid member (emphasis added). Thus, Shibao cannot reasonably disclose a fuel pump located entirely within the shell, as recited in claim 1.

For at least the above reasons, Shibao does not disclose all of the features of claim 1. Thus, claim 1 is patentable over Shibao. Applicants also respectfully assert that claims 2-6 and 9-26 are patentable at least in view of the patentability of claim 1, from which they depend, as well as for the additional features they recite. Applicants thus respectfully request withdrawal of the rejection of claims 1-6 and 9-26.

Shibao does not disclose "a fuel tank ... including a compartment placed at a low point of the tank and one of said tank portions includes a filler tube whose end through which

the fuel leaves is positioned in such a manner that, during filling, the fuel falls into the compartment," as recited in claim 31. Applicants note that the Office Action fails to allege that Shibao discloses such a feature as required by 37 C.F.R. § 1.104(c)(2). Thus, Applicants are unable to ascertain which portion of the reference the Examiner considers to be equivalent to this feature.

Because Shiabo does not disclose "a fuel tank ...including a compartment placed at a low point of the tank and one of said tank portions includes a filler tube whose end through which the fuel leaves is positioned in such a manner that, during filling, the fuel falls into the compartment," claim 31 is patentable over Shibao. Applicants respectfully request withdrawal of the rejection of claim 31.

The Office Action rejects claims 27-30 under 35 U.S.C. § 103(a) over U.S. Patent 5,394,902 to Shibao. Applicants respectfully traverse the rejection.

As discussed above with respect to claim 1, Shibao does not disclose either "one of said tank portions comprising a compartment, the compartment being one-piece with the one of said tank portions" or "said pump being located entirely within the shell." By this Amendment, Applicants incorporate these features into claim 27. Applicants note that Shibao does not teach or suggest these features of claim 27. In fact, Shibao specifically discloses features that directly contradict the features of claim 27 (i.e., forming the tank portion and compartment from separate pieces and providing a lid member specifically designed to allow part of the fuel pump to be exposed outside the shell).

Because Shibao does not disclose, teach, or suggest all of the features of claim 27, claim 27 is patentable over Shibao. Applicants also respectfully assert that claims 28-30 are patentable at least in view of the patentability of claim 27, from which they depend, as well as for the additional features they recite. Applicants thus respectfully request withdrawal of the rejection of claims 27-30.

In view of the foregoing, Applicants respectfully submit that this application is in condition for allowance. Applicants earnestly solicit favorable reconsideration and prompt allowance of claims 1-6 and 9-31.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, Applicants invite the Examiner to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



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